

Approved: Meeting No. 42-85
ATTEST: *Helen M. Hovsepian*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 42-85

September 9, 1985

The Mayor and Council of Rockville, Maryland, convened in executive session, in the City Manager's Conference Room, on Monday, September 9, 1985, at 7:30 p.m. in order to discuss litigation.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; Secretary to the City Clerk Patricia Rager.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 7:55 p.m. to convene again in general session at 8:00 p.m. September 9, 1985.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, September 9, 1985, at 8:00 p.m. in the Council Chamber.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

Re: City Manager's Report

Mr. Blick reported the following:

1. Two weeks ago, the State, HOC, County and the City approved agreements and contracts to rehabilitate the 59 units in the Lenmore Apartments. Total loans will amount to about \$1.2 million. The agreement with the City is the same previously approved by the Council.
2. The Metro Center is planning a grand opening on October 6.
3. The First Street extension opening is scheduled for about September 20. There will be a ceremony scheduled.

Mayor Hovsepian asked for an update on the Dawson Farm Park. The City Manager said staff is preparing a letter to go to the neighborhood explaining what is happening. The City has legally defaulted the contract and the project will be completed before winter sets in.

Councilman Abrams asked the City Attorney the status of the Westmont suit. Mr. Glasgow said on Friday he received a call from the attorneys for Westmont stating they had achieved an agreement in principal and wanted to know if the City agrees. Mr. Glasgow explained that the City is anxious to have this matter resolved quickly.

Re: Appointments

Mayor Hovsepian, with the concurrence of the Council, made the following appointments:

Rockville Seniors Inc.: Carroll Biser - appointed Treasurer - 1 yr. term
1607 Forbes Street

Rosalie Campbell - reappointed - 1 year term

Bernard Shannon - reappointed - 1 year term

Economic Development Commission: William Roberge - reappointed - 2 year term
Robert Bender - Reappointed - 2 year term

County Executive's Cable Commission: Richard Philipson
26 Marwood Court

County Council's Cable Oversight Committee: Kernan Chaisson
807 Carter Road

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Gordon, re DOT communique
2. Betty Carter, re thank you
3. Maryland DOT, consultation meeting schedule
4. Montgomery County Credit Union letter and update
5. Councilman Scull, response to Mayor's letter
6. Senator Mathias, re revenue sharing
7. Maryland Historical Trust, NPS Concurrence

Mayor Hovsepian noted that the City has been approved as a Certified Local Government. She noted that there are certain appointment requirements that need to be met in order to keep the City's standing. She asked that the staff be aware of these requirements when accepting applications for the Historic District Commission.

8. John Menke, re street problems (with response)
9. Mrs. J. R. Driscoll, thank you to staff

Councilman Hartogensis noted how pleased he is with the way cases are being handled by the Animal Control Board.

10. Al Premo, re Fletcher Place parking
11. P. Diamond, re neighborhood problem
12. Senator Sarbanes, re Congressional issues

Mayor Hovsepian asked that an appropriate letter be prepared for her signature. She asked for comments from the rest of the Council. Councilman Abrams asked if the response to this letter could be held up until he and Councilman Tyner return from committee meetings they will be attending for the National League of Cities. He feels they may be able to get a better insight after their meeting.

13. W. S. Cody, re schedule clarification

14. Montgomery County, re CDBG application

Mayor Hovsepian agreed with the recommendation to disband the old CDBG committee. She asked if civic associations and other affected groups had been notified of this action. If not she asked that they be notified. Mr. Blick noted that this item is in conjunction with FYI 14.

15. Chestnut Lodge, re reception on September 26 informing community of new facilities

Re: Citizen's Forum

The Mayor and Council opened the meeting to those citizens who wished to address the Mayor and Council:

1. ~~George~~ Kelly, Vice President of the West End Citizens Association, 401 West Montgomery Avenue. Mr. Kelly read a letter from his civic association noting the poor attendance of some commissioners on the Planning Commission. He also noted that nearly all the absences were excused by either calling the Planning Department Secretary or announcing at a commission meeting that one would not be at a future meeting. He asked that this practice be reviewed and revised. He said that when personal circumstances prevent commissioners from fulfilling their duties, they should be replaced - promptly. They asked that written attendance records of all City Boards and Commissions be compiled and made available on a regular basis. When there appears to be a consistent pattern of non-attendance, the Mayor and Council should review the record, ascertain the continuing dedication to the appointment and determine whether the individual should continue in public service.

Councilman Abrams noted that Mr. Kelly makes a good point. He asked the City Manager to conduct a review of the attendance records for the Boards and Commission and provide the Mayor and Council with the results. Councilman Duncan noted that after three unexcused absences the Chairman is to call and let the appropriate person know. Mayor Hovsepian said she thought there was a form made available for this reason. Councilman Tyner felt such a form is available

but not asked for by the Mayor and Council. Councilman Hartogensis said the Planning Commission has more meetings than any other commission and the City demands much from them. He also noted that all who could not attend had a valid excuse.

2. Robert Greenberg, attorney for Sgt. Keyser and the Fraternal Order of Police, Rockville City Police Department. Mr. Greenberg addressed the Mayor and Council concerning the proposed amendment before them tonight to amend the City's Personnel Regulations (Chapter 3). He informed the Council of a recent incident in the recruitment for a new police Lieutenant that he feels brought forth this amendment. He has signatures of 50 city staff who have signed a petition expressing their concern over the proposed change. He read from the current personnel ordinance on the hiring practices and said that filing of the Lt.'s position is a direct violation of the City law. Mr. Greenberg then gave a chronology of events to date on the hiring of Corporal Ethridge who was told he had the new Lieutenant's position at Rockville. He told the Council that there are four sergeants in the City with a total of 40 years service to the City. He urged the Council to recognize the impropriety of this ordinance.

The City Manager asked if the Chief and he could give a brief statement.

Chief Stout said he takes no responsibility for what Corporal Ethridge has said. It is true he contacted Corporal Ethridge but noted that the City Manager and Director of Personnel are the only people who can make appointments. He then pointed out the process used in hiring for this position and noted that he is not involved in the process. The officers are interviewed by a merit board and ranked accordingly. Chief Stout said he does not agree with Mr. Greenberg's interpretation. He said he would also like to point out that two of the sergeants have medical difficulties which would leave only two to be considered.

Mr. Blick said it is the philosophy of city management that citizens deserve the best that can be recruited and to provide for a good career

opportunity for its employees. He told the Mayor and Council that the City would hire the best person.

Councilman Abrams asked the Chief to explain the Recruitment Assessment Center that he mentioned earlier and who conducts it. The Chief said trained assessors come on loan from other police forces and they conduct the tests.

Councilman Hartogensis asked why this proposed amendment does not require a public hearing. Mr. Blick explained that there is no reason to have a public hearing. He said he has met with the three employee organizations and has noted their response in his memo. The amendment has been modified to include the language requested by employees. He explained that sometimes the City will not advertise outside and hire from within, or sometimes the City will review all the personnel records and will decide to go outside as well as inside. He noted that the City does promote mostly from within. As for the police department, it would be best to develop young people within so as not to have to go outside to recruit.

Councilman Tyner said it is agreed by all that the best qualified should fill the position. Those who make a career with the City should be groomed also. He asked the City Manager if he felt that this more clearly enunciates the best qualified candidate. The City Attorney said it was brought to his attention by the City Manager that certain changes be made. He deferred any further questions due to the possibility of litigation. He suggested any further discussion be done in executive session.

Mr. Greenberg addressed the Council again and said the main concern with this change is that it emasculates the merit system. He said he would like to expand on Mr. Tyner's statement in that those who intend to serve the City may not be picked and those employees have no other means of appeal. This amendment does away with the merit system. Councilman Abrams asked Mr. Greenberg what

language changes he would like to propose. Mr. Greenberg said he has no problem with the way the law is worded now. Councilman Hartogensis said this issue is too large and he requests that a public hearing be scheduled. There seems to be enough interest and that way all parties will be adequately prepared to comment. Mayor Hovsepian asked for a second to Councilman Hartogensis' motion to have a public hearing on this issue. The motion died for lack of a second.

Councilman Abrams said he appreciates what Mr. Greenberg has to say. He would like to have Mr. Greenberg submit before the next meeting, the wording he would like and the rationale behind it. Councilman Tyner said he would like to present a series of questions to give to the City Manager, the Personnel Director and to Mr. Greenberg and he would like to have those questions answered by each person.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Councilman Abrams moved, duly seconded, that the following items be done by consent approval, Agenda Item No. 6, 7, 8, 10, 11, 12 and 13, which are as follows:

Re: Approval of
Objectives, Site
Priorities and
Selection Process for
Art in Public Places
Master Plan

The Statement of Objectives for Art in Public Places in Rockville, the Site Prioritization for Location of Art in Rockville, and the selection Processes for Priority #1 Site have been developed by Mr. Donald Thalacker, the Art in Public Places Master Plan consultant, and have been approved unanimously by the Cultural Arts Commission at their August 8, 1985, meeting. City staff also concurs with these recommendations.

The next step in the development of the Master Plan will be a public forum scheduled for September 19.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the Art in Public Places Master Plan.

Re: Award of Contract:
COG sponsored #5-
0780-21-00

Bid No. 5-0780-21-00 was issued for the purchase of #2 Heating Fuel Truck Transport (8,000 gallons or more Tank Capacity) and Tank Wagon (less than 8,000 gallons tank capacity).

Bids were allowed on both a Firm Fixed Price Basis and on an Escalating/Deescalating basis. Bids received on #2 Heating Fuel on an escalating/deescalating basis were 5% to 7% lower than those received Firm Fixed Price. The determination by the Council of Governments was to award based on the escalating/deescalating bids.

Evaluation

Truck Transport #2 Heating Fuel Delivered (Senior Center)

| COMPANY | ESCALATING/DEESCALATING PRICE |
|---------------------------|-------------------------------|
| Montello Oil Corporation | \$.7016/gallon |
| Steuart Petroleum | \$.7109/gallon |
| Petron Trading Company | \$.7237/gallon |
| J.E. Meintzer & Sons | \$.7433/gallon |
| Phoenix Petroleum Company | \$.7531/gallon |

Based on pricing information provided by the Council of Governments, heating fuel during the last twelve months fluctuated approximately + or - 5%. Based on that fluctuation and the estimated quantity of 20,000 gallons for the Senior Center, the maximum estimated cost to the City for #2 Heating Fuel Truck Transport delivered inclusive of \$.01332/gallon County Energy Tax is \$15,434.60.

The Senior Center previously purchased #5 heating fuel amounting to a total during the last twelve months of \$15,624.00 inclusive of tax.

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| | |
|---------|-------------------------------|
| COMPANY | ESCALATING/DEESCALATING PRICE |
|---------|-------------------------------|

| | |
|-------------------|----------------|
| Steuart Petroleum | \$.7420/gallon |
| J.E. Meintzer | \$.7683/gallon |

Based on a price fluctuation of + or - 5% and an estimated quantity of 8,360 gallons, the maximum estimated cost to the City for #2 Heating Fuel Tank Wagon delivered is \$6,625.00 inclusive of \$.01332 County Energy Tax.

The firm fixed price paid by the City during the last twelve months was \$.8725/gallon. This year's pricing results in approximately a \$1,100 or 15% savings.

The Council of Governments investigated Montello Oil Corporation and determined the firm to be responsible.

Steuart Petroleum has previously satisfactorily completed contracts with the City.

The majority of major suppliers in this area were contacted and/or submitted bids and the procurement process was the same as that conducted by the City. In accordance with Chapter 5 of the Laws of Rockville, award is recommended to Montello Oil Corporation for #2 Heating Fuel Truck Transport delivered and to Steuart Petroleum for #2 Heating Fuel Tank Wagon Delivered.

The terms of the Invitation for Bid included a provision for the extension of the contract for two (2) additional one (1) year periods. It is recommended that Mayor and Council agree to such extensions upon review by the Council ninety days prior to the end of the base year in August 1986.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 5-0780-21-00 for #2 Heating Fuel/Truck Transport delivered was awarded to Montello Oil Corporation and for #2 Heating Fuel Tank Wagon delivered to Steuart Petroleum as recommended by staff. The Council also approved the extension of the contract for two additional one year periods.

Re: Award of Contract:
Bid No. 15-86,
Lincoln Park
Ballfield
Improvements

The Lincoln Park Ballfield improvements include regrading, draining, and seeding of a softball field along with fencing, walkways, and players benches areas.

Thirty companies were contacted and seven picked up the Invitation for Bid. Bids were opened at 3:00 p.m. on Friday, August 16, 1985, and the following bids were received:

| <u>Company</u> | <u>Bid</u> |
|---------------------------------------|--------------|
| Peak, Inc., Beltsville, Maryland | \$115,600.00 |
| Pickens & Sons, Clarksville, Maryland | 78,000.00 |

The budget estimate was approximately \$21,000 and the maximum appropriation available was \$30,000.00.

The Contract Officer confirmed the following both in regard to the small number of bids received and in regard to the high amount of the bids. The companies of Gebaut Samen, T.J. Company, Inc., and Ryon, Inc., normally submit bids on this type of City project. Gebaut Samen and T.J. Company stated that they had been presented with several other Invitations for Bids at the same time and had not had the time to put together a bid for the City. Ryon, Inc., is faced with an excessive workload at the moment.

Gebaut Samen and Ryon, Inc., had reviewed the specifications and done a general estimate of the cost in the range of \$80 - \$105,000.00. Both indicated that the grading and seeding requirements were a significant expense.

Due to the extreme overage of the bids compared to the budget estimate, it is recommended that these bids be rejected as excessive. Recreation and Parks will revise the specifications by breaking out portions of the projects as options so that basic items can be completed within the budget estimate.

It is anticipated that more reasonable bids will be received this fall as contractors are finishing their summer projects. Also, the staff will initiate a more aggressive approach to notifying companies likely to be interested in this project. It is still possible to expect this project to be completed by the spring of 1986, when play on the fields would be normally expected.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 15-86, was rejected as being excessive.

Re: Award of Contract:
Bid No. 27-86, Heat
Pump System for Mayor
and Council Chamber

The Invitation for Bid was issued for the purpose of constructing a Heat Pump System for the Council Chamber. Bids were opened at 10:00 a.m. on Wednesday, September 4, 1985, and the following bids were received:

| <u>Company</u> | <u>Bid</u> |
|---|-------------|
| American Refrigeration Heating and Air Conditioning Co., Inc., Rockville, Maryland | \$26,800.00 |
| HVAC Precision Services, Rockville, Maryland | \$33,600.00 |

American Refrigeration Heating and Air Conditioning has previously satisfactorily completed contracts for similar work with the City.

The Budget Estimate was \$25,000.00 in CIP Fund 42/Account 320301.

The Recreation and Parks Department recently saved over \$10,000 on an award for the remodeling of the boilers at the Rockville Senior Center. It is recommended that the balance of the required funds for this award be obtained by a transfer of \$2,800.00 from General Fund 11/Account 336906 to the above-referenced Fund and account.

It is recommended that award be made to American Refrigeration in the total amount of \$27,800.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 27-86 for Heat Pump System for the Mayor and Council Chamber was awarded to American Refrigeration in the total amount of their bid for \$27,800.00.

Re: Award of Contract to
M-NCPPC for Dredging
Ponds on Redgate Golf
Course

Capitol Construction Enterprises has been defaulted on the contract for Storm Water Management which was awarded against Invitation for Bid 21-85.

The Public Works staff has investigated alternate means for completing the Red Gate Pond Maintenance. This would be accomplished by a contract with MNCPPC combined with work by City Maintenance forces and/or separate small (under \$7,500) open market purchase actions with various subcontractors.

By awarding the dredging work to MNCPPC and completing the balance of the work through City forces and/or expedited Requests for Quotations which do not require formal bid procedures, the City would be assured of both timely completion of the entire project and a fair and reasonable price. In order to re-bid the entire balance of the project, plans, specifications and contracts suitable for public bidding would need to be prepared by engineering staff. This would be time consuming and expensive and would not likely result in a favorable cost. This is borne out by the existing bid of \$117,500.00.

In a discussion with the Maryland Park and Planning Commission, it has been determined that the Commission is equipped and willing to perform the dredging work for the City during the months of October and November 1985. The Recreation and Parks Director has advised that the months of October and November are the most opportune time to complete this work to minimize impact on the Golf Course use and revenue.

The City's Purchasing Ordinance, Section 2-307 entitled "Cooperative Procurement" provides that "the City Manager may contract with any state or

local government or agency thereof to provide or receive any work or services of the type the City or such other government or agency performs for its jurisdiction.

It is recommended that the City complete an agreement with the MNCPPC to complete dredging work at the Red Gate Pond in the amount of \$34,000.

On motion of Councilman Abrams, duly seconded and unanimously passed the City Manager was instructed to enter into an agreement with the MNCPPC to complete the dredging work at the Red Gate pond in the amount of \$34,000.00.

Re: Resolution: To amend
the Schedule of
Contributions for
Off-Site Storm Water
Management Waivers

Resolution No. 22-85

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 22-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, amending the schedule of contributions for off-site storm water management waviers, was adopted by the Mayor and Council.

Re: Approval of Storm
Water Management
Waiver Request for
Widening of I-270
between Nontrose Road
and Route 28

On June 5, 1985, City staff met with the Maryland State Highway Administration (MDSHA) staff to discuss SWM for I-270 widening. A second meeting was held on June 12 with the Water Resources Administration. It was found that in order for this project to comply with State SWM requirements MDSHA could either construct six new SWM facilities on land to be acquired adjacent to the I-270 right-of-way or get on-site waivers and use Rockville public regional facilities. The regional approach was favored to all of the on-site alternatives except for the one in the clover leaf at the Route 28 interchange.

This preference was subject to stabilization of the stream channel to permit safe conveyance of the runoff to the Rockmead SWM facility.

On August 4, 1985, representatives of the City, the Soil Conservation Service and NDSHA walked the stream channels that will remain as open drainage ways to determine stabilization needs. The preliminary estimate for those drainage ways leading to the Rockmead SWM facility is \$130,000.00.

On August 5, 1985, the City's SWM Review Committee met to review and discuss this request. It was the consensus of the committee that the six parcels needed for the on-site approach would not only be a sub-standard use of good buildable land adjacent to I-270, but could be aesthetically displeasing since trash is prone to collect and remain in these fenced-in structures. On-site SWM would not be in the City's best interest.

Costs will be involved to provide safe conveyance to the regional facilities, especially Rockmead, whether I-270 is widened or not. The State will help with such costs. (It is anticipated a 50/50 sharing with the City or \$65,000). These costs are in addition to the established SWM off-site contribution.

Three regional SWM facilities serving the area included in this request are:

The Multi-Purpose Lake (which is now and will remain scheduled for FY 90);

The Montgomery County Detention Center Project (scheduled for FY 86) to coincide with the building expansion now in process; and

The Rockmead Park Facility (scheduled for FY 90).

Because the runoff toward the Rockmead Park SWM Facility is more than that of the combined tributaries from I-270 toward the other two regional SWM facilities, it was agreed that its construction should be stepped up to coincide with the widening of I-270. In order to do this the NDSHA will consider a

request from the City to provide engineering design for the Rockmead Park SWM project. This request will include the additional stream channel stabilization.

Plans to manage stormwater runoff from MDSHA projects must be approved by the Department of Natural Resources. All agreements reached between the City and the MDSHA must be approved by the Department of Natural Resources.

The staff recommends that for this portion of I-270 widening on-site SWM requirements be waived where public SWM facilities can compensate for the needed SWM and that contributions of \$20,000 per impervious acre be accepted for new impervious areas (\$400,000 based on current study) in addition to approximately \$65,000 to help stabilize the stream channels leading to the Rockmead Park SWM facility. Staff also recommends that the City use MDSHA to design Rockmead Park SWM facility and the needed stream stabilization in order to construct this facility sooner than the current schedule.

On motion of Councilman Abrams, duly seconded and unanimously passed, the recommendations by staff were approved.

Re: Resolution: Removal
suspension of A.
Howard Metro from the
office of
Commissioner on the
Historic District
Commission

Resolution No. 23-85

Councilman Hartogenesis moved to amend the language of the proposed ordinance to add to the fifth paragraph "...at which time Mr. Metro was present and represented by counsel". The motion was seconded by Councilman Duncan.

On motion of Councilman Hartogenesis, duly seconded and passed, Councilmen Tyner and Abrams voting nay and Mayor Hovsepian and Councilmen Hartogenesis and Duncan voting aye, Resolution No. 23-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, suspending A. Howard Metro from the office of Commissioner on the Historic District Commission, was adopted as amended.

Re: Resolution: Removal
of Charles S. Rand
from the office of
Commissioner on the
Historic District
Commission

Resolution No. 24-85

Councilman Hartogenesis moved to make section (e) read as section (f) and section (e) to read as section (f). The motion was seconded by Councilman Duncan.

On motion of Councilman Hartogenesis, duly seconded and passed, Mayor Hovsepian and Councilmen Hartogenesis and Duncan voting aye and Councilmen Tyner and Abrams voting nay, Resolution No. 24-85, the full text of which can be found in Resolution Book No. 24-85, removing Charles Rand from the office of Commissioner on the Historic District Commission, was adopted as amended.

Councilman Tyner said the facts are true that are found in the Resolution but he would like to suggest to the Council to ask the City Attorney to address these two issues. The City owes it to them to look at the law more carefully. Councilman Abrams and Councilman Hartogenesis agreed with Councilman Tyner. Councilman Duncan said this situation has been carefully reviewed and he sees no reason to review it again.

Re: Award of Contract
Bid No. 21-86,
Remodel Senior Center
Boilers

The invitation for Bid No. 21-86 for remodeling of boilers at Senior Center included but not limited to repairing the flue stack systems, the burner assemblies, and replacing the #5 fuel oil controls with #2 fuel oil. It also included an option for additional work to install natural gas burner rings, pipes and flue lining.

Bids were opened at 3:00 p.m. on Thursday, August 15, 1985, and the following bids were received:

| <u>Company</u> | <u>Base Bid</u> | <u>Base Bid Combined with Additional Work</u> |
|---|-----------------|---|
| American Refrigeration Heating & Air Conditioning, Rockville, Maryland | \$16,150.00 | \$22,495.00 |
| M&M Welding, Gaithersburg, Maryland | \$18,020.00 | \$22,530.00 |
| HVAC Precision Services, Rockville, Maryland | \$24,300.00 | \$30,900.00 |
| Professional Boiler Works, Fairfax, Virginia | \$31,077.00 | \$37,763.00 |
| American Combustion Inc., Brentwood, Maryland | \$48,276.00 | \$62,889.00 |
| Dependo Refrigeration, Silver Spring, Maryland | No Bid | |

The budget estimate was \$32,000.00.

The Invitation for Bid stated in two different places that "Bids must be accompanied by a certified check of "Bid bond" for 5% (five percent) of the amount of the total bid and made payable to the City of Rockville, Maryland. All bidders except American Refrigeration Heating and Air Conditioning submitted a bid bond. Inasmuch as the Bid Bond was required as part of the bidding process and affects that process, it is recommended that American Refrigeration be rejected as a non-responsive bidder.

The Contract Officer has conducted a pre-award evaluation of M&M Welding. Mr. Fred Cook, Fairfax County Facilities Management, confirmed that the firm has done a significant amount of work for the county on projects of \$20,000 or more and has been found to be satisfactory.

Jean Kidwell, Montgomery County Heating, Ventilation, and Air Conditioning Department confirmed that M&M Welding has made similar boiler conversions for the County and the firm has been found to be very responsible and its work to be satisfactory. In addition, Mr. John Conley, Montgomery County Purchasing,

confirmed that M&M Welding has satisfactorily complied with the terms of the County's contracts and has been found to be a top firm in its field.

It is recommended that award be made to M&M Welding in the amount of \$22,530.00.

Councilman Abrams asked if American Refrigeration Heating & Air Conditioning had submitted its bid for the Heat Pump System for the Council Chamber and the Senior Center at the same time. The Director of Recreation and Park said no it was not and that the firm just forgot to submit the bond. Councilman Abrams said he has difficulty in throwing out the bid because the company did not submit its bond. Councilman Abrams said he would like to go with the low bidder, American Refrigeration Heating and Air Conditioning.

Councilman Abrams said he felt that the non-conformity in the bid is minor technicality and moved to waive the non-conformity and award the bid to the low bidder, American Refrigeration Heating & Air Conditioning, who deems to be responsive. Councilman Duncan seconded the motion. Mayor Hovsepian asked if the motion includes that the contract would be awarded to the low bidder if the bid bond is submitted. Councilman Duncan asked what the slip up was. Mr. Bayor, Director of Recreation & Parks said he could not say because he was not at the Bid Opening. Mr. Blick suggested not delaying this item for another two weeks because of its need at the Senior Center. He will have the staff look into the matter and get a report back to the Council. Councilman Abrams asked the City Attorney if this is a minor technicality. Mr. Glasgow said it is a judgment call. Councilman Abrams asked the cost of obtaining a bid bond. Mr. Blick said it is 5% of the bid. Councilman Hartogensis said he cannot go along with Councilman Abrams' motion. Forgetting to send in a bid bond is not a minor clerical technicality. Councilman Duncan said he agrees with Councilman Hartogensis

A vote was called by the Mayor on Councilman Abrams' motion. The motion did not pass, with Councilman Abrams only voting aye and the rest of the Council voting nay.

On motion of Councilman Duncan, duly seconded and unanimously passed, the contract was awarded to M&M Welding, the lowest responsible bidder, in the amount of \$22,530.00 as recommended by staff.

Councilman Abrams said he would like an explanation from staff on this matter.

Re: Introduction of
Ordinance: To amend
Section 3-1.07(a) of
Chapter 3 of the
"Laws of Rockville",
entitled "Personnel
Regulations", to
clarify the require-
ments for appointment
to the Civil Service
of the City of
Rockville

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend Section 3-1.07(a) of Chapter 3 of the "Laws of Rockville" entitled "Personnel Regulations", to clarify the requirements for appointments to the Civil Service of Rockville, said ordinance to lay over at least one week before final action is taken.

Mayor Hovsepian noted that interested people have two weeks to get information to the Mayor and Council before a decision is made on this matter. Councilman Hartogensis said he hopes some directive goes to the FOP and other city organizations letting them know what avenues they have. Councilman Abrams asked the City Manager is there is anything that prohibits City employees from speaking before the Mayor and Council at Citizen's Forum. Mr. Blick said there is not.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Planning Department Quarterly Report
2. Recreation Item Update
3. Animal Control Monthly Statistics
4. Memo re CDBG Procedures

Mayor Hovsepian asked that the community be notified as soon as possible on the Public Hearing to be held in October.

5. Response to SHA inquiry
6. Memo on street lighting - West Ritchie Parkway
7. Memo on Student Government DAYS

Councilman Hartogensis noted that the City has taken action on many of the suggestions by the students and the City has been well represented in this program.

8. Copy of letter to Chief Stout from ERCA re neighborhood problem
9. Copy of letter to City Manager re neighborhood problem
10. Copy of letter to City Manager complimenting staff
11. Copy of letter to County Executive from Holladay/Tyler re move
12. Copy of letter to County Executive from Senator Mathias re citizen complaint

Mayor Hovsepian asked that a reply to Senator Mathias be prepared for her signature to let him know the City's plan.

13. Copy of letter to County Executive re Tribune United
14. Senior Newsletter
15. Progress Report from Director of Finance
16. Response from P.W. to J. Riley re removal of permit parking on Ridgeway Av
17. Memo from C.M. re responsibilities for implementation of Housing Goals & Objectives

Re: New Business

1. Councilman Duncan asked if the date for the cable work session is set for September 23. Mr. Hobbs said it is and he has spoken with other officials

to prepare an agenda. The Council will have information before hand. He hopes to keep the work session to 45 minutes. Items of interest brought before the Council on cable will be included.

2. Mayor Hovsepien asked the Council to decide when they would like to meet with the Assistant City Manager.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 38-85, July 22, 1985, were approved as amended.

On motion of Councilman Abrams, duly seconded and passed, Councilman Hartogensis abstaining because he was not at the meeting, the Minutes of Meeting No. 39-85, August 5, 1985, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 40-85, August 9, 1985, were approved as amended.

On motion of Councilman Tyner, duly seconded and passed, Councilman Duncan and Councilman Abrams abstaining because they were not present at the meeting, the Minutes of Meeting No. 41-85, August 12, 1985, were approved as amended.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:30 p.m. to convene again in executive session on September 11, 1985, at 7:30 p.m. or at the call of the Mayor.